

14.05.001 MANAGEMENT UNIT SPECIAL POLICIES.*

14.05.010 Management Unit No. 1.

- A. Management Unit 1 shall be managed to conserve shellfish beds, fish spawning and nursery areas, and other natural resources.
- B. Improvements necessary for the maintenance and replacement of the Yaquina Bay Bridge shall be allowed.
- C. Navigation improvements necessary for the maintenance of the harbor entrance and channel, including jetty maintenance, shall be allowed.
- D. The algal bed within Management Unit 1 as defined by the Oregon Department of Fish and Wildlife Classification Map shall be preserved.

(Section 14.01.001 amended by Ordinance No. 1379 (5-21-84); section amended by Ordinance No. 1566 (14.36.0010); entire section added and/or amended by Ordinance No. 1622 (10-7-91).)*

14.05.020 Management Unit No. 2.

- A. Management Unit 2 shall be managed to conserve shellfish beds, algal beds, fish spawning and nursery areas, and other natural resources.
- B. Navigation improvements necessary for the maintenance of the harbor entrance and channel, including jetty maintenance, shall be allowed.

14.05.030 Management Unit No. 3.

- A. Management Unit 3 shall be managed to conserve natural resources of importance.
- B. Improvements necessary for the maintenance and replacement of the Yaquina Bay Bridge shall be allowed.
- C. Navigation improvements necessary for the maintenance of the harbor entrance and channel, including jetty maintenance, shall be allowed.
- D. Major clam beds are located within Management Unit 3. These clam beds shall be protected.

14.05.040 Management Unit No. 4.

- A. Management Unit 4 shall be managed to protect and maintain the channel and turning basin for deep draft navigation.
- B. Adverse impacts of mining, mineral extraction, or other dredging operations within Management Unit 4 on existing commercial clam harvest shall be minimized.

- C.*Medium and deep draft port facilities shall be allowed subject to approval by the US Army Corps of Engineers.

(*Added by Ordinance No. 1995 (1/6/10))

14.05.050 Management Unit No. 5.

- A. Management Unit No. 5 shall be managed to provide for the development of port facilities and other water-dependent uses and water-related and non-water-related uses in keeping with the scenic, historic, and unique characteristics of the area. Water-related and non-related development shall be consistent with the purpose of this unit and with adjacent shoreland designated as especially suited for water-dependent uses or designated for waterfront development.
- B. Non-water-related uses may be conditionally permitted within the estuarine area adjacent to the old waterfront from Bay Street to John Moore Road, extending out to the pierhead line as established by the U.S. Army Corps of Engineers.
- C. Experimental shellfish beds were introduced in Management Unit 5 in the 1940s and 1950s. It is anticipated that these shellfish beds will be impacted by future development; however, adverse impacts on these beds shall be minimized as much as possible while meeting these development needs.
- D. Due to the limited water surface area available and the need for direct land to water access, alternatives (such as mooring buoys or dry land storage) to docks and piers for commercial and industrial uses are not feasible in Unit 5. Multiple use facilities common to several users are encouraged where practical.
- E. Tourist-related activities will be encouraged to locate on the landward side of S.W. Bay Boulevard. The bay side of Bay Boulevard should accommodate water-dependent and water-related types of uses. Some tourist-related uses may locate on the water side, but only upon the issuance of a conditional use permit.

14.05.060 Management Unit No. 6.

- A. Management Unit 6 shall be managed to conserve natural resources and to provide for uses like existing navigation and recreation activities.
- B. Management Unit 6 will need to be disturbed for the placement of the submerged sewer and water lines, bridge footings, and the relocation of the breakwater. Care should be taken to return the disturbed areas to a condition consistent with the conservation classification. The shellfish beds south of the port breakwater are considered a resource of major importance.

14.05.070 Management Unit No. 7.

- A. Management Unit 7 shall be managed to provide for water-dependent development compatible with existing uses and consistent with the purpose of the area.
- B. Development of deep and medium draft port facilities shall be a permitted use only outside of the existing South Beach Marina boat basin.
- C. Adverse impacts of future development on eelgrass beds, shellfish beds, and fish spawning and nursery areas shall be minimized, consistent with allowed development.

14.05.080 Management Unit No. 8.

- A. Management Unit 8 shall be managed to conserve natural resources such as eelgrass and shellfish beds.
- B. Navigational improvements found to be necessary for the maintenance of the deep water channel shall be provided.
- C. Temporary moorages of log rafts in Management Unit 8 shall conform to the following standards:
 - 1. Whenever feasible, individual logs shall be prohibited. Other activities may not be bundled, but they shall always be held in rafts.
 - 2. The number of log rafts moored at any time shall be the lowest practical number for the shortest practical time, considering log supply and tidal cycles.
 - 3. Water surface areas occupied by temporary moorage shall not at any time exceed seven (7) acres.
 - 4. Dolphins shall be sited and moorage conducted so that log rafts will not ground at low water.
 - 5. As much as practical, shipment and movements of logs shall be timed to minimize conflicts with recreational uses in the area.
- D.* A cobble/pebble dynamic revetment for shoreline stabilization may be authorized in Management Unit 8 for protection of public facilities (such as the Hatfield Marine Science Center facilities).

14.05.090 Management Unit No. 9-A.

- A. Management Unit 9-A shall be managed to preserve and protect natural resources and values. In order to maintain resource values, alterations in this unit should be kept to a minimum. Minor alterations that result in temporary disturbances such as limited dredging for submerged crossings would be consistent with resource values in this

area; other more permanent alterations should be reviewed individually for consistency with the resource capabilities of the area.

- B. Active restoration activities are limited to fish and wildlife habitat and water quality and estuarine enhancement.
- C. Goal 16 exceptions have been taken for the waste seawater outfall for the Oregon Coast Aquarium and for increased storm water runoff through an existing drainage system.
- D. The Idaho Point Marina and the channel that serves it may be maintained as allowed under the existing Army Corps of Engineers permit.
- E. A cobble/pebble dynamic revetment for shoreline stabilization may be authorized in Management Unit 9-A for protection of public facilities (such as the Hatfield Marine Science Center facilities).**

(*Policy Added by Ordinance No. 1905 (1-16-07).

**Policy Added by Ordinance No. 1905 (1-16-07).)

14.05.100 Management Unit No. 10-A.

- A. Management Unit 10-A shall be managed to preserve and protect natural resources and values. Permitted alterations should be limited to those that result in only temporary disturbances. More permanent alterations should be reviewed for consistency with the resource capabilities of the area.
- B. Active restoration activities are limited to fish and wildlife habitat and water quality and estuarine enhancement.

14.05.110 Permitted Use Matrices. Each management unit district has a permitted use matrix. The Comprehensive Plan contains a description, classification, resource capabilities, management objectives, and special policies for each of the management units found in the Newport Comprehensive Plan. These sections should be read in conjunction with the Permitted Use Matrices.

The Permitted Use Matrices correspond to those in the Lincoln County Estuary Management Plan, except for non-water-related commercial uses in Management Unit 5. The commercial use category includes recreational uses. Only the Special Policies that would apply to a specific use appear on the Permitted Use Matrices. Other Special Policies which apply more widely to the particular management unit can be found in Section 14.05.001.

A use may be permitted with standards or conditionally permitted. In addition, a certain type of structure or alteration may or may not be permitted in conjunction with a permitted or conditional use. For example: In Management Unit No. 1 mining is permitted conditionally. In conjunction

with mining, new dredging is permitted conditionally, and navigational aids are permitted with standards. Thus, new dredging activity would be reviewed by the Planning Commission for compliance with all standards. However, if navigational aids are found to be needed once mining activity has begun, those can be permitted with standards by staff without Planning Commission review.

MANAGEMENT UNIT NO: 1
 CLASSIFICATION: Conservation

PERMITTED USE MATRIX

USES	
X	Permitted with Standards
\	Conditional
	Not Permitted
TYPE OF STRUCTURE OR ALTERATION	
P	Permitted with Standards
C	Conditional
○	Requires Resource Capability Determination
	Not Permitted

TYPE OF STRUCTURE OR ALTERATION											
Special Policy (Sec. 2-2-13.100)	Dolphins/Pilings	Docks	Piers	Wharves	Groins/Pile Dikes	Breakwaters	Navigation Aids (beacons, buoys, etc.)	Maintenance Dredging	New Dredging	Fill	Dikes (new)
	Shoreline Stabilization (structural)										
	Temporary Alterations										

USES		TYPE OF STRUCTURE OR ALTERATION										
COMMERCIAL												
	Water-Dependent											
	Water-Related											
	Nonwater-Related											
	Marina											
	Boat Launching											

INDUSTRIAL												
	Flow-Lane Disposal of Dredge Material											
	Log Dumping											
	Log Storage											
\	Mining											
\	Oil or Gas Extraction	C					C	C	P	C		
	Industrial Outfalls	C					C	C	P			
	Marine Ways											
	Water-Dependent Industrial											
	Water-Related Industrial											
	Nonwater-Related Industrial											

PUBLIC												
\	Communication Facilities	P										
X	Research and Educational Observations	P							C			C
X	Overhead Crossings	P										
\	Submerged Crossings	P	C									
X	Bridge Crossings	P	P					P	P	P	C	C
\	Storm Water Outfall	P	C					C	P	P	C	C
	Sanitary Outfall							C	C	P	C	C
X	Protection of Resources	P										

PORT FACILITIES												
	Deep Draft (over 23')											
	Medium Draft (10'-22')											
	Shallow Draft (0-9')											
X	Navigational Improvement, Minor	P	C									
X	Aquaculture Facilities	P						C	P	P	C	C

RESTORATION												
X	Active	P	P									
X	Passive											

MANAGEMENT UNIT NO: 2
 CLASSIFICATION: Conservation

PERMITTED USE MATRIX

USES	
X	Permitted with Standards
\	Conditional
	Not Permitted
TYPE OF STRUCTURE OR ALTERATION	
P	Permitted with Standards
C	Conditional
○	Requires Resource Capability Determination
	Not Permitted

TYPE OF STRUCTURE OR ALTERATION											
Special Policy (Sec. 2-2-13.100)	Dolphins/Pilings	Docks	Piers	Wharves	Groins/Pile Dikes	Breakwaters	Navigation Aids (beacons, buoys, etc.)	Maintenance Dredging	New Dredging	Fill	Dikes (new)
	Shoreline Stabilization (structural)	Temporary Alterations									

USES											
COMMERCIAL											
	Water-Dependent										
	Water-Related										
	Nonwater-Related										
	Marina										
\	Boat Launching	P	P				P	P	P	C	

INDUSTRIAL											
	Flow-Lane Disposal of Dredge Material										
	Log Dumping										
	Log Storage										
\	Mining	C									
\	Oil or Gas Extraction	C				P	P	P	C		C
	Industrial Outfalls	C				P	P	P			C
	Marine Ways										
	Water-Dependent Industrial										
	Water-Related Industrial										
	Nonwater-Related Industrial										

PUBLIC											
\	Communication Facilities	P					C				C
X	Research and Educational Observations										C
	Overhead Crossings										
\	Submerged Crossings	P	C			P	P	P	C		C
	Bridge Crossings										
\	Storm Water Outfall	P	C			P	P	P	C		C
	Sanitary Outfall										
X	Protection of Resources		P								

PORT FACILITIES											
	Deep Draft (over 23')										
	Medium Draft (10'-22')										
	Shallow Draft (0-9')										
X	Navigational Improvement, Minor	P	C			P	P	P	C	C	
X	Aquaculture Facilities	P				P	P	P	C		C 2.2

RESTORATION											
X	Active	P	P								
X	Passive										

MANAGEMENT UNIT NO: 3
 CLASSIFICATION: Conservation

PERMITTED USE MATRIX

USES	
X	Permitted with Standards
\	Conditional
	Not Permitted
TYPE OF STRUCTURE OR ALTERATION	
P	Permitted with Standards
C	Conditional
○	Requires Resource Capability Determination
	Not Permitted

TYPE OF STRUCTURE OR ALTERATION

Temporary Alterations	Shoreline Stabilization (structural)	Dikes (new)	Fill	New Dredging	Maintenance Dredging	Navigation Aids (beacons, buoys, etc.)	Breakwaters	Groins/Pile Dikes	Wharves	Piers	Docks	Dolphins/Pilings	Special Policy (Sec. 2-2-13.100)
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USES

COMMERCIAL

	Water-Dependent													
	Water-Related													
	Nonwater-Related													
	Marina													
\	Boat Launching	P	P			P	P	P	C			P	P	P

INDUSTRIAL

	Flow-Lane Disposal of Dredge Material													
	Log Dumping													
	Log Storage													
\	Mining	C				P	P	P	C			C	C	C
\	Oil or Gas Extraction	C				P	P	P					C	
	Industrial Outfalls													
	Marine Ways													
	Water-Dependent Industrial													
	Water-Related Industrial													
	Nonwater-Related Industrial													

PUBLIC

X	Fishing Pier	P	P					P				P	P	
\	Communication Facilities	P						C					C	
X	Research and Educational Observations	P	C											
X	Overhead Crossings	P												
\	Submerged Crossings	P	C			P	P	P	C				C	
X	Bridge Crossings	P	P		C	P	P	P	C	C			P	3.2
\	Storm Water Outfall	P	C			P	P	P	C				C	
	Sanitary Outfall													
X	Protection of Resources		P											

PORT FACILITIES

	Deep Draft (over 23')													
	Medium Draft (10'-22')													
	Shallow Draft (0-9')													
X	Navigational Improvement, Minor	P	C			P	P	P	C	C			C	3.3
\	Aquaculture Facilities	P				P	P	P	C				P	

RESTORATION

X	Active	P	P										
X	Passive												

MANAGEMENT UNIT NO: 5
 CLASSIFICATION: Development

PERMITTED USE MATRIX

USES	
X	Permitted with Standards
\	Conditional
	Not Permitted
TYPE OF STRUCTURE OR ALTERATION	
P	Permitted with Standards
C	Conditional
○	Requires Resource Capability Determination
	Not Permitted

TYPE OF STRUCTURE OR ALTERATION

USES		Temporary Alterations	Shoreline Stabilization (structural)	Dikes (new)	Fill	New Dredging	Maintenance Dredging	Navigation Aids (beacons, buoys, etc.)	Breakwaters	Groins/Pile Dikes	Wharves	Piers	Docks	Dolphins/Pilings	Special Policy (Sec. 2-2-13.100)	
COMMERCIAL																
X	Water-Dependent		P	C	P	C	P	P	C	C	P	P	P	P	5.5	
\	Water-Related		○					○		○	○	○	○	○	5.1,5.5	
\	Nonwater-Related		○					○		○	○	○	○	○	5.1,5.2,5.5	
	Marina															
X	Boat Launching		P		P	C	P	P	C		P	P	P	P		
INDUSTRIAL																
\	Flow-Lane Disposal of Dredge Material		P		P											
	Log Dumping															
	Log Storage															
\	Mining					P	P	P	C			C	C	C		
\	Oil or Gas Extraction					P	P	P	C			C	C	C		
X	Industrial Outfalls		P			P	P	P								
X	Marine Ways		P		P	P	P	P			P	P	P	P		
X	Water-Dependent Industrial		P	C	P	P	P	P	C	C	P	P	P	P		
\	Water-Related Industrial		P					P		C	C	C	C	C		
	Nonwater-Related Industrial															
PUBLIC																
\	Communication Facilities		C		C			P							C	
X	Research and Educational Observations		C		C						C	C	C			
X	Overhead Crossings															
X	Submerged Crossings		P			P	P	P	C					C		
\	Bridge Crossings		P		P	P	P	P	C	C				P		
X	Storm Water Outfall		P			P	P	P	C					P		
	Sanitary Outfall															
X	Protection of Resources															
PORT FACILITIES																
X	Deep Draft (over 23')		P	C	P	P	P	P	P	P	P	P	P	P		
X	Medium Draft (10'-22')		P	C	P	P	P	P	P	P	P	P	P	P		
X	Shallow Draft (0-9')		P	C	P	P	P	P	P	P	P	P	P	P		
X	Navigational Improvement, Minor		P	C	P	P	P	P	P	P	P	P	P	P		
\	Aquaculture Facilities		P			P	P	P						C		
RESTORATION																
X	Active		C													
X	Passive															

MANAGEMENT UNIT NO: 6
 CLASSIFICATION: Conservation

PERMITTED USE MATRIX

USES	
X	Permitted with Standards
\	Conditional
	Not Permitted
TYPE OF STRUCTURE OR ALTERATION	
P	Permitted with Standards
C	Conditional
○	Requires Resource Capability Determination
	Not Permitted

TYPE OF STRUCTURE OR ALTERATION											
Special Policy (Sec. 2-2-13.100)	Dolphins/Pilings	Docks	Piers	Wharves	Groins/Pile Dikes	Breakwaters	Navigation Aids (beacons, buoys, etc.)	Maintenance Dredging	New Dredging	Fill	Dikes (new)
											Shoreline Stabilization (structural)
											Temporary Alterations

USES		TYPE OF STRUCTURE OR ALTERATION										
COMMERCIAL												
	Water-Dependent											
	Water-Related											
	Nonwater-Related											
	Marina											
	Boat Launching											

INDUSTRIAL													
	Flow-Lane Disposal of Dredge Material												
	Log Dumping												
	Log Storage												
\	Mining	C			P	P	P	C			C	C	C
\	Oil or Gas Extraction	C			P	P	P					C	
	Industrial Outfalls				P	P	P					C	
	Marine Ways												
	Water-Dependent Industrial												
	Water-Related Industrial												
	Nonwater-Related Industrial												

PUBLIC												
\	Communication Facilities											
X	Research and Educational Observations											
X	Overhead Crossings	P										
X	Submerged Crossings	P			P	P	P					C 6.2
X	Bridge Crossings	P			C	P	P	P	C			P 6.2
\	Storm Water Outfall	P				P	P	P				C
	Sanitary Outfall								C			C
X	Protection of Resources											

PORT FACILITIES												
	Deep Draft (over 23')											
	Medium Draft (10'-22')											
	Shallow Draft (0-9')											
X	Navigational Improvement, Minor	P			P	P	P	C	C			P
\	Aquaculture Facilities	P			C	C	P					C

RESTORATION												
X	Active											
X	Passive											

MANAGEMENT UNIT NO: 7
 CLASSIFICATION: Development

PERMITTED USE MATRIX

USES	
X	Permitted with Standards
\	Conditional
	Not Permitted
TYPE OF STRUCTURE OR ALTERATION	
P	Permitted with Standards
C	Conditional
○	Requires Resource Capability Determination
	Not Permitted

	TYPE OF STRUCTURE OR ALTERATION												
	Temporary Alterations	Shoreline Stabilization (structural)	Dikes (new)	Fill	New Dredging	Maintenance Dredging	Navigation Aids (beacons, buoys, etc.)	Breakwaters	Groins/Pile Dikes	Wharves	Piers	Docks	Dolphins/Pilings

USES

COMMERCIAL

X	Water-Dependent		P	C	P	P	P	P	C	C	P	P	P	P
\	Water-Related		P	C				P		C	C	C	C	C
	Nonwater-Related													
\	Marina		P	C	P	P	P	P	P	P	P	P	P	7.2
X	Boat Launching		P		P	P	P	P	C				P	P

INDUSTRIAL

\	Flow-Lane Disposal of Dredge Material		P		P									
	Log Dumping													
	Log Storage													
\	Mining					P	P	P	C			C	C	C
\	Oil or Gas Extraction					P	P	P						C
\	Industrial Outfalls		P			P	P	P						
X	Marine Ways		P			P	P	P	C		P	P	P	P
X	Water-Dependent Industrial		P	C	P	P	P	P	C	C	P	P	P	P
X	Water-Related Industrial		P					P	C		C	C	C	C
	Nonwater-Related Industrial													

PUBLIC

\	Communication Facilities							P						C
X	Research and Educational Observations		C		C	C					C	C	C	C
	Overhead Crossings													
X	Submerged Crossings		P			P	P	P		C				C
	Bridge Crossings													
X	Storm Water Outfall		P			P	P	P		C				C
	Sanitary Outfall													
X	Protection of Resources													

PORT FACILITIES

X	Deep Draft (over 23')		P	C	P	P	P	P	P	P	P	P	P	P	7.3
X	Medium Draft (10'-22')		P	C	P	P	P	P	P	P	P	P	P	P	7.3
X	Shallow Draft (0-9')		P	C	P	P	P	P	P	P	P	P	P	P	
X	Navigational Improvement, Minor		P	C	P	P	P	P	P	P	P	P	P	P	
\	Aquaculture Facilities		P			P	P	P						C	

RESTORATION

X	Active		C												
X	Passive														

MANAGEMENT UNIT NO: 8
 CLASSIFICATION: Conservation

PERMITTED USE MATRIX

USES	
X	Permitted with Standards
\	Conditional
	Not Permitted
TYPE OF STRUCTURE OR ALTERATION	
P	Permitted with Standards
C	Conditional
○	Requires Resource Capability Determination
	Not Permitted

TYPE OF STRUCTURE OR ALTERATION	TYPE OF STRUCTURE OR ALTERATION												
	Special Policy (Sec. 2-2-13.100)	Dolphins/Pillings	Docks	Piers	Wharves	Groins/Pile Dikes	Breakwaters	Navigation Aids (beacons, buoys, etc.)	Maintenance Dredging	New Dredging	Fill	Dikes (new)	Shoreline Stabilization (structural)

USES

COMMERCIAL															
	Water-Dependent														
	Water-Related														
	Nonwater-Related														
	Marina														
	Boat Launching														

INDUSTRIAL															
X	Temporary Anchorage							P							
	Flow-Lane Disposal of Dredge Material													P	8.3
	Log Dumping														
	Log Storage														
\	Mining		C					C	C	P	C				
\	Oil or Gas Extraction		C					C	C	P					C
	Industrial Outfalls							C	C	P					
	Marine Ways														
	Water-Dependent Industrial														
	Water-Related Industrial														
	Nonwater-Related Industrial														

PUBLIC															
\	Communication Facilities		P												
X	Research and Educational Observations		P												
\	Overhead Crossings		P							P					
\	Submerged Crossings		P							P	P	P			C
	Bridge Crossings											C			C
	Storm Water Outfall														
	Sanitary Outfall														
X	Protection of Resources														
\	Public Facilities														

PORT FACILITIES															
	Deep Draft (over 23')														
	Medium Draft (10'-22')														
	Shallow Draft (0-9')														
X	Navigational Improvement, Minor		P							C	P	P			
\	Aquaculture Facilities		P	P						C	C	P			C

RESTORATION															
X	Active			P						C	C				
X	Passive														

MANAGEMENT UNIT NO: 9-A
 CLASSIFICATION: Natural

PERMITTED USE MATRIX

USES		TYPE OF STRUCTURE OR ALTERATION													
		Special Policy (Sec. 2-2-13.100)	Dolphins/Pillings	Docks	Piers	Wharves	Groins/Pile Dikes	Breakwaters	Navigation Aids (beacons, buoys, etc.)	Maintenance Dredging	New Dredging	Fill	Dikes (new)	Shoreline Stabilization (structural)	Temporary Alterations
X	Permitted with Standards														
\	Conditional														
	Not Permitted														
TYPE OF STRUCTURE OR ALTERATION															
P	Permitted with Standards														
C	Conditional														
○	Requires Resource Capability Determination														
	Not Permitted														
USES															
COMMERCIAL															
	Water-Dependent														
	Water-Related														
	Nonwater-Related														
	Marina														
	Boat Launching														
INDUSTRIAL															
	Flow-Lane Disposal of Dredge Material														
	Log Dumping														
	Log Storage														
	Mining														
	Oil or Gas Extraction														
	Industrial Outfalls														
	Marine Ways														
	Water-Dependent Industrial														
	Water-Related Industrial														
	Nonwater-Related Industrial														
PUBLIC															
\	Waste Seawater Outfall														
\	Boat Ramps														
\	Communication Facilities														
X	Research and Educational Observations														
	Overhead Crossings														
X	Submerged Crossings														
	Bridge Crossings														
X	Storm Water Outfall														
	Sanitary Outfall														
X	Protection of Resources														
\	Public Facilities														
9-A-5 - ©															
PORT FACILITIES															
	Deep Draft (over 23')														
	Medium Draft (10'-22')														
	Shallow Draft (0-9')														
X	Navigational Improvement, Minor														
\	Aquaculture Facilities														
RESTORATION															
\	Active														
X	Passive														

MANAGEMENT UNIT NO: 10-A
 CLASSIFICATION: Natural

PERMITTED USE MATRIX

USES	
X	Permitted with Standards
\	Conditional
	Not Permitted
TYPE OF STRUCTURE OR ALTERATION	
P	Permitted with Standards
C	Conditional
○	Requires Resource Capability Determination
	Not Permitted

TYPE OF STRUCTURE OR ALTERATION											
Special Policy (Sec. 2-2-13:100)	Dolphins/Pilings	Docks	Piers	Wharves	Groins/Pile Dikes	Breakwaters	Navigation Aids (beacons, buoys, etc.)	Maintenance Dredging	New Dredging	Fill	Dikes (new)
											Shoreline Stabilization (structural)
											Temporary Alterations

USES

COMMERCIAL

	Water-Dependent										
	Water-Related										
	Nonwater-Related										
	Marina										
	Boat Launching										

INDUSTRIAL

	Flow-Lane Disposal of Dredge Material										
	Log Dumping										
	Log Storage										
	Mining										
	Oil or Gas Extraction										
	Industrial Outfalls										
	Marine Ways										
	Water-Dependent Industrial										
	Water-Related Industrial										
	Nonwater-Related Industrial										

PUBLIC

\	Boat Ramps										
\	Communication Facilities	○									
X	Research and Educational Observations	○									
	Overhead Crossings										
X	Submerged Crossings		P		P	P					
	Bridge Crossings										
	Storm Water Outfall										
	Sanitary Outfall										
X	Protection of Resources										

PORT FACILITIES

	Deep Draft (over 23')										
	Medium Draft (10'-22')										
	Shallow Draft (0-9')										
X	Navigational Improvement, Minor		P			P					
\	Aquaculture Facilities		C			P					C

RESTORATION

\	Active	C	C			C	C					10.2
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14.06.001 MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES*

14.06.010 Purpose. The purpose of this section is to provide criteria for the placement of manufactured dwellings and recreational vehicles within the City of Newport. It is also the purpose of this section to provide for dwelling units other than site-built structures.

14.06.020 Manufactured Dwellings on Individual Lots

- A. In addition to the uses permitted in the underlying zone, a single manufactured dwelling may be placed on an individual lot or parcel in any residential district where single-family residences are allowed subject to the following provisions:
1. Conform to the definition of a manufactured dwelling in Section 14.01.010 of this Code.
 2. Have the wheels and tongue or hitch removed.
 3. Be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
 4. Have a pitched roof of at least two and one half feet for each 12 feet in width and be provided with gutters and down-spouts consistent with the standards contained in the current State of Oregon amended Council of American Building Officials.
 5. Have exterior siding and roofing which, in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on adjacent dwellings as determined by the Building Official.
 6. Have a garage or carport constructed of like materials if an adjacent lot or parcel is developed with a dwelling that has a garage or carport.
 7. Be multisectional and enclose a space of not less than 1,000 square feet as determined by measurement of exterior dimensions of the unit. Space within accessory structures, extensions, or additions shall not be included in calculating space.
 8. Be connected to the public water system and an approved sewage disposal system.
 9. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as

defined in ORS 455.010.

- B. A manufactured dwelling constructed in accordance with current Federal Manufactured Home Construction and Safety Standards that does not meet criteria listed in subsection (A), may be approved by the Planning Commission as a Conditional Use pursuant to Section 14.33.001 of this Ordinance. Requests of this nature shall be reviewed under a Type III decision making process consistent with Section 14.43.001, Procedural Requirements.

(* Entire section amended by Ordinance No. 1641 (8-3-92) and replaced in its entirety by Ordinance No. 2008 (12-2-2010).)

14.06.030 Manufactured Dwelling Park Standards. Manufactured dwelling parks may only be allowed in the R-2, R-3, and R-4 zoning districts, subject to the development standards contained in this section.

14.06.040 Manufactured Dwelling Parks. Manufactured dwelling parks are permitted subject to the following:

- A. Construction of the manufactured dwelling park and placement of manufactured dwellings shall comply with the Oregon Manufactured Dwelling and Park Specialty Code, 2002 Edition, as amended.
- B. Streets within the manufactured dwelling park shall adhere to the standards outlined in Newport Municipal Code Chapter 13.05.040 where the construction or extension of such street is identified in the City of Newport Transportation System Plan.
- C. The number of spaces for manufactured dwellings shall not exceed an average of six (6) per acre of the total area in the manufactured dwelling park.
- D. Each space for a manufactured dwelling shall contain at least 5,000 square feet.
- E. Any manufactured dwelling park authorized under this section shall have a contiguous area of not less than one (1) acre.
- F. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the vehicular ways shall be provided to the fire department for appropriate naming.
- G. Public fire hydrants shall be provided within 250 feet of manufactured dwelling spaces or permanent structures within the park. If a manufactured dwelling space or permanent structure in the park is more than 250 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants. Each hydrant within the park shall be located on a vehicular way and shall conform in design

and capacity to the public hydrants in the city.

- H. The manufactured dwelling park may have a community or recreation building and other similar amenities.
- I. All dead end streets shall provide an adequate turn around for emergency vehicles.

14.06.050 Recreational Vehicles: General Provisions

- A. Recreational vehicles may be stored on property within the City of Newport provided they are not used as a place of habitation while so stored.
- B. Removal of the wheels or placement of a recreational vehicle on a permanent or temporary foundation shall not change the essential character of any recreational vehicle or change the requirements of this section.
- C. It shall be unlawful for any person occupying or using any recreational vehicle within the City of Newport to discharge wastewater unless connected to a public sewer or an approved septic tank in accordance with the ordinances of the City of Newport relating thereof. All recreational vehicle parks within the City of Newport shall comply with the sanitary requirements of the City of Newport and the State of Oregon.

14.06.060 Recreational Vehicle Parks. Recreational vehicle parks are allowed conditionally in an R-4 zone and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with Section 14.43.001, Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, I-1, and I-2 zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

- A. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.
- B. The developer of the park obtains a permit from the state.
- C. The developer provides a map of the park to the City Building Official.
- D. The park complies with the following provisions (in case of overlap with a state requirement, the more restrictive of the two requirements shall apply):
 - 1. The space provided for each recreational vehicle shall not be less than 600 square feet, exclusive of any space used for common areas (such as roadways, general use structures, walkways,

parking spaces for vehicles other than recreational vehicles, and landscaped areas). The number of recreational vehicles shall be limited to a maximum of 22 per gross acre.

2. Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway or less than 20 feet in width if parking is not permitted on the edge of the roadway, they shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each recreation vehicle space.
3. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide run-off of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
4. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
5. A recreational vehicle space shall be provided with electrical service.
6. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
7. The total number of off-street parking spaces in the park shall be provided in conformance with Section 14.14.030. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.
8. The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each 15 recreational vehicle spaces, or any fraction thereof, one toilet (up to 1/3 of the toilets may be urinals), one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
9. The park shall provide one utility building or room containing one clothes washing machine, and one clothes drying machine for each ten recreational vehicle spaces, or any fraction thereof.

10. Building spaces required by Subsection 9 and 10 of this section shall be lighted at all times of the night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of at least 62°F, shall have floors of waterproof material, shall have sanitary ceilings, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.
11. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height unless modified through either the conditional use permit process (if a conditional use permit is required for the RV park) or other applicable land use procedure. Reasons to modify the hedge or fence buffer required by this section may include, but are not limited to, the location of the RV park is such that adequate other screening or buffering is provided to adjacent properties (such as the presence of a grove or stand of trees), the location of the RV park within a larger park or development that does not require screening or has its own screening, or screening is not needed for portions not adjacent to other properties (such as when the RV park fronts a body of water). Modifications to the hedge or fence requirement of this subsection shall not act to modify the requirement for a solid wall or screening fence that may otherwise be required under Section 14.18.020 (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.
12. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest in the park.
13. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

14.07.001 RECREATIONAL VEHICLES*

14.08.001 TRAILER COACHES AND TRAILER PARKS*

14.09.001 TEMPORARY STRUCTURES PERMITS *

14.09.010 Purpose. The purpose of this section is to provide some allowance for short-term uses that are truly temporary in nature, where no permanent improvements are made to the site, and the use can be terminated and removed immediately. Temporary activities include special events as defined in 9.80.010 of the Newport Municipal Code, temporary living quarters, construction trailers, leasing offices, vending carts, kiosks, storage buildings, and similar structures.

14.10.020 Special Events Structures. Placement of special events structures is regulated under Chapter 9.80 of the Newport Municipal Code.

14.10.030 Temporary Living Quarters. Notwithstanding any other restrictions and prohibitions in this code, a recreational vehicle may be used as a temporary living quarters subject to the following conditions:

- A. The request for temporary living quarters must be in conjunction with a valid, active building permit.
- B. The time limit shall be no longer than one (1) year from issuance. After the expiration of the time limit, the recreational vehicle used for the temporary living quarters must no longer be used for on-site living purposes.
- C. The recreational vehicle used as the temporary living quarters must be self-contained for sanitary sewer.
- D. Temporary living situations for non-residential projects may use a job shack or other such structure instead of a recreational vehicle as the living quarters and may have a portable toilet instead of a self-contained unit.
- E. The location of the temporary living quarters on the site shall satisfy the vision clearance requirements as set forth in Section 14.21.001 of the zoning code.
- F. Prior to the issuance of a temporary living quarters permit, the applicant shall sign an agreement that the applicant shall comply with the provisions of this subsection.

14.09.040 Temporary Structures for Other Than Special Events. Notwithstanding any other restrictions and prohibitions in this code, a temporary structure not associated with a special event may be erected subject to the following:

- A. The permit, if approved, shall be issued for a period not to exceed two (2) years. Upon like application and approval, the permit may be renewed for up to an additional (1) year.
- B. Temporary structures are limited to commercially and industrially

zoned properties.

- C. No permanent changes will be made to the site in order to accommodate the temporary structure.
- D. Permission is granted by the property owner.
- E. Sanitary facilities will be made available to the site.
- F. The structure does not interfere with the provision of parking for the permanent use on the site.
- G. The structure satisfies the vision clearance requirements of the zoning code.
- H. Approval is obtained from the City Building Official if the structure is to be erected for 180 days or longer.
- I. For temporary structures that are to be placed in one location for 12 or more consecutive months, a bond or cash deposit for the amount required to remove the temporary structure, if not removed in the required time frame, shall be placed in an interest-bearing account in the name of the applicant and the City of Newport. Any bond or cash deposit must be in a form approved by the City Attorney.

(Section added by Ordinance No. 1644 (9-8-92); amended by Ordinance No. 1731 (10-16-95); and section amended in its entirety by Ordinance No. 2001 (4-4-10)*

14.09.050 Temporary Vending Carts. Notwithstanding any other restrictions and prohibitions in this code, a temporary vending cart, not associated with a special event, may be located within the City of Newport subject to the following:

- A. Temporary vending carts may be located on commercially-zoned property that is at least ½ mile from a permanent eating and drinking establishment.
- B. Temporary vending carts and any accessory improvements (such as seating) are limited to privately-owned properties, and may encroach onto public property or public right-of-way only if the city consents to the encroachment as provided in Chapter 4.10 of the Newport Municipal Code.
- C. The items available for sale from temporary vending carts are limited to food and beverages for immediate consumption. Requests to have a different item or service considered shall be submitted in writing to the City Manager, who shall determine if the item or service:
 - 1. Can be vended from a regulation size temporary vending cart;
 - 2. Not lead to or cause congestion or blocking of pedestrian traffic on

the sidewalk;

3. Involve a short transaction period to complete the sale or render the service;
 4. Not cause undue noise or offensive odors; and
 5. Be easily carried by pedestrians.
- D. A permit for a temporary vending cart, if approved, shall be issued for a period not to exceed two (2) years. Upon expiration of a permit, a temporary vending cart must immediately cease operation, and must be permanently removed within seven (7) days.
- E. At least one trash and one recycling receptacle will be made available to the public.
- F. The City of Newport receives a signed statement that the permittee shall hold harmless the City of Newport, its officers and employees, and shall indemnify the City of Newport, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activities of the permittee. Permittee shall furnish and maintain public liability, products liability, and property damage insurance as will protect permittee, property owners, and city from all claims for damage to property or bodily injury, including death, which may arise from operations of the permittee. Such insurance shall provide coverage of not less than \$1,000,000 per occurrence. Such insurance shall be without prejudice to coverage otherwise existing, and shall name as additional insured the City of Newport, their officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days written notice to the City Recorder of the City of Newport.
- G. A bond or cash deposit for the amount required to remove the temporary vending cart, if not removed in the required time frame, shall be placed in an interest-bearing account in the name of the applicant and the City of Newport. Any bond or cash deposit must be in a form approved by the City Attorney.

14.09.060 Permits Not Transferable Unless Approved. Permits authorized by this section are not transferable to another person or location unless approved by the Community Development Director.

14.09.070 Approval Authority. Unless otherwise provided, placement of temporary structures is subject to review and approval by the Community Development Director as ministerial action.

14.09.080 Application Submittal Requirements. In addition to a land use application form with the information required in Section 14.43.080, applications for temporary structures shall include the following:

- A. A site plan, drawn to scale, showing:
1. The proposed location of the temporary structure, seating areas, and amenities, as applicable.
 2. Existing buildings.
 3. Existing parking.
 4. Access(es) to the parking areas.
 5. Any additional structures, seating areas, and amenities associated with the temporary structure.
 6. The location and size of trash receptacles.
 7. Utilities.
 8. Existing signs and signs associated with the temporary structure.
 9. Temporary structure building elevations or photos.
 10. The location of drive-up windows (if applicable).
- B. A signed agreement stating that the applicant is aware of the limitations and conditions attached to the granting of the permit and agrees to abide by such limitations and conditions.
- C. A description of the types of items sold or services rendered, if applicable.
- D. A valid copy of all necessary permits required by State or local health authorities, and other required licenses or permits, such as business license or sign permit obtained by the applicant and maintained on site.

14.09.090 Fire Marshal Inspection. Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any temporary structure to assure conformance with the provisions of the Fire Code.

14.09.100 Construction Trailer Exemption. Construction trailers located on the site upon which construction is to occur that are used during the course of the construction project are exempt from the process outlined in this section and may be permitted at the time of building permit approval provided said structures comply with the building code and the vision clearance requirements of the zoning code.

14.10.001 HEIGHT LIMITATIONS*

14.10.010 Height Limitations. A building, structure, or portion thereof hereafter erected shall not exceed the height listed in Table A for the zone indicated except as provided for in Sections 14.10.020, General Exceptions to Building Height Limitations and 14.10.030, Special Exceptions to Building Height Limitations.

14.10.020 General Exceptions to Building Height Limitations.

- A. The following types of structures or structural parts are not subject to the building height limitations of this Code as long as the square footage of said structure or structural part is no greater than 5% of the main building foot print as shown on the site plan, or 200 square feet, whichever is less: chimneys, cupolas, church spires, belfries, domes, transmission towers, smokestacks, flag poles, radio and television towers, elevator shafts, conveyors and mechanical equipment.
- B. No structure or structural part excepted under Subsection (A) from the building height limitations of this Code, whether freestanding or attached to another structure or structural part, may exceed the maximum allowable height by more than 25% unless approved by the Planning Commission per section 14.10.030.
- C. Stand alone antennas, cell towers, electrical transmission towers, telephone or electric line poles and other public utility types of structures or structural parts, where allowed by this Ordinance, are limited in height to 50 feet in R-1, R-2, R-3, R-4, W-1, W-2, W-3 and C-2 zones; 100 feet in the P-1, C-1 and C-3 zones; 150 feet in the I-1, I-2 and I-3 zones. A taller structure or structural part referenced under this subsection may be allowed upon the issuance of a conditional use permit per Section 14.33.001 of this Code.
- D. No structure or structural part excepted under this section from the building height limitations of this Code may be used for human habitation.

14.10.030 Special Exceptions to Building Height Limitations. Any person seeking a special exception to the building height limitations of this Code shall do so by applying for an adjustment or variance as described in Section 14.33.001 of this Code, and consistent with Section 14.43.001, Procedural Requirements.**

*(*Amended by Ordinance No. 1839 (10-1-01).*

***Amended by Ordinance No. 1989 (1-1-10).)*

14.11.001 **REQUIRED YARDS AND SETBACKS**

14.11.010 Required Yards. A building, or portion thereof, hereafter erected shall not intrude into the required yard listed in Table A for the zone indicated.

14.11.020 Required Recreation Areas. All multiple-family dwellings, condominiums, hotels, motels, mobile home parks, trailer parks, and recreational vehicle parks shall provide for each unit a minimum of 50 square feet of enclosed outdoor area landscaped or improved for recreation purposes exclusive of required yards such as a patio, deck, or terrace.

14.11.030 Garage Setback. The entrance to a garage or carport shall be set back at least 20 feet from the access street for all residential structures.

14.11.040 **Yards for Group Buildings.**

- A. In case of group buildings on one lot, including institutions and dwellings, the yards on the boundary of the lots shall not be less than required for one building on one lot in the district in which the property is located.
- B. The distance between group buildings on one lot shall be twice the width of the required side, front, or rear yards, except in the case of yard combinations that no yard be required to exceed 25 feet.
- C. In the case of court apartments rearing on side yards, the required side yards shall be increased two feet in width for each dwelling unit rearing thereon.
- D. No group dwelling court shall be less than 25 feet in width.
- E. In the R-3 and R-4 zones where three or more commercial or residential dwelling units are in a continuous row on interior lots rearing on one side yard and fronting upon another side yard, the side yard on which the dwelling rears shall not be less than eight feet. The side yard on which the dwellings front shall not be less than 18 feet in width.

14.11.050 **General Exceptions to Required Yard.**

- A. **Front Yards.*** In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for an interior lot may be reduced to the average of what has been established for the adjoining front yards.
- B. **Projections Into Yards.** Every part of a required yard shall be open from the ground to the sky, unobstructed except for the following:

1. Accessory building in the rear yard as provided in Section 14.16.001.*

*(*Sentence amended by Ordinance No. 2011 (2-18-11).)*

2. Ordinary building projections such as cornices, eaves, belt courses, sills, or similar architectural features may project into side yards not more than 12 inches or into front and rear yards not more than 24 inches.
 3. Chimneys may project into any required yard not more than 16 inches.
 4. Uncovered balconies or fire escapes may project into any required yard not more than one foot.
 5. Uncovered terraces may project or extend into a required front yard not more than five feet or into a required side yard not more than one foot or into a required court not more than six feet. The regulations contained in this paragraph shall not apply to paved parking or driveway areas at ground level.
- C. Dwelling Units Above Stores. Yards are not required for dwellings above businesses unless the dwelling area exceeds 50% of the floor area of the business dwelling.

14.16.001 MINIMUM LOT SIZE

14.12.010 Minimum Size. All lots hereafter created within the City of Newport shall have a minimum lot area and width as listed in Table A for the zone indicated. It is not the intent of the Zoning Ordinance to deprive owners of substandard lots the use of their property. Substandard single lots lawfully created prior to the passage of this Zoning Ordinance shall not be prevented from being built upon solely because the lot does not comply with the minimum lot size requirements of this ordinance. However, the density standards shall apply to all partitioning or resubdivision of property in the future and to developments of over two dwelling units at one time.

14.12.020 General Exceptions to Lot Size Requirements. A residentially zoned lot having less width or less area than required under the terms of this ordinance that was of record prior to December 5, 1966, may be occupied by a one-family dwelling unit, provided all yard requirements (setbacks) are complied with. Substandard lots in R-3 and R-4 zones may be occupied by multi-family dwellings not exceeding the density limitations for that zone provided in Table A, as provided in Section 14.13.001 herein below, but only upon allowance of a conditional use in accordance with the provisions of Section 14.33.001, Conditional Uses, and Section 14.43.001, Procedural Requirements.*

14.21.001 DENSITY LIMITATIONS

14.13.010 Density Limitations. A residential building structure or portion thereof hereafter erected shall not exceed the maximum living unit density listed in Table A, as hereinafter set forth, for the zone indicated, except in the case of a lot having less than is required and of record prior to December 5, 1966, which may be occupied by a single-family dwelling unit, providing other requirements of this ordinance are complied with, except to the extent that a higher density may specifically be allowed by any term or provision of this Ordinance.

(BY THIS REFERENCE, THERE IS INCLUDED HEREIN AND MADE A PART HEREOF, A TABLE OF DENSITY AND OTHER REQUIREMENTS, DESIGNATED "TABLE A".)

**2-3-5
TABLE "A"**

District	Minimum Lot Area (Sq. Ft.)	Minimum Width	Setback Requirements:			Lot Coverage In Percent	Maximum Building Height	Density In Sq. Ft. Per Unit
			Front/2nd Front ¹	Side	Rear			
R-1/"Low Density Single-Family Residential"	7,500	65'	15' and 15' or 20' and 10'	5' & 8'	15'	54%	30'	7,500
R-2/"Medium Density Single-Family Residential"								
Duplex on interior lot	7,500	50'	15' and 15'	5'	10'	57%	30'	3,750
Duplex on corner lot	5,000	50'	or	5'	10'	57%	30'	2,500
House	5,000	50'	20' and 10'	5'	10'	57%	30'	5,000
R-3/"Medium Density Multi-Family Residential"	5,000	50'	15' and 15' or 20' and 10'	5'	10'	60%	35'	1,250 ²
R-4/"High Density Multi-Family Residential" ³	5,000	50'	15' and 15' or 20' and 10'	5'	10'	64%	35'	1,250
C-1/"Retail and Service Commercial"	5,000	0'	0'	0'	0'	85-90%*	50**	n/a
C-2/"Tourist Commercial"	5,000	0'	0'	0'	0'	85-90%*	50**	n/a
C-3/"Heavy Commercial"	5,000	0'	0'	0'	0'	85-90%*	50**	n/a
I-1/"Light Industrial"	5,000	0'	50' from Hwy. 101	0'	0'	85-90%*	50**	n/a
I-2/"Medium Industrial"	20,000	0'	50' from Hwy. 101	0'	0'	85-90%*	50**	n/a
I-3/"Heavy Industrial"	5 acres	0'	50' from Hwy. 101	0'	0'	85-90%*	50**	n/a
	* See Section 2-4-4		n/a - not applicable					

¹ Front and second front yards shall equal a combined total of 30 feet. All garages shall be set back at least 20 feet from the access street.

² Amended by Ordinance No. 1642 (8-3-92).

³ Density of hotels, motels, and nonresidential units shall be one unit per 750 square feet.

2-3-5 (con't)
TABLE "A"

District	Minimum Lot Area (Sq. Ft.)	Minimum Width	Setback Requirements:			Lot Coverage In Percent	Maximum Building Height	Density In Sq. Ft. Per Unit
			Front/2nd Front	Side	Rear			
W-1/"Water Dependent"	0	0'	0'	0'	0'	85-90%*	40*	n/a
W-2/"Water Related"	0	0'	0'	0'	0'	85-90%*	35**	n/a
MU-1 thru MU-10 (Management Units)	0	0'	0'	0'	0'	100%	40**	n/a
P-1/"Public Structures"	0	0'	0'	0'	0'	100%	50'	n/a
P-2/"Public Parks"	0	0'	0'	0'	0'	100%	35'	n/a
P-3/"Public Open Space"	0	0'	0'	0'	0'	100%	30'	n/a
(M-H)/"Mobile Home Overlay"	For mobile homes on individual lots, see underlying zone; for mobile home parks, see ORS 446.100 and OAR 814-28-060.							

* See Section 2-4-4

n/a - not applicable

Front and second yards shall equal a combined total of 30 feet. All garages shall be set back at least 20 feet from the access street.

14.18.001 PARKING, LOADING, AND ACCESS REQUIREMENTS*

14.14.010 Purpose. The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

14.18.020 Definitions. For purposes of this section, the following definitions shall apply:

Access. The point of ingress and egress from a public street to an off-street parking lot or loading and unloading area.

Aisle. Lanes providing access to a parking space.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Loading Space. A parking space for the loading and unloading of vehicles over 30 feet in length.

Parking Space. An area for the parking of a vehicle.

Site Plan. A map showing the layout of the building, parking, landscaping, setbacks, and any other pertinent information concerning the development of a site.

Use. Any new building, change of occupancy, or addition to an existing building.

14.14.030 Number of Parking Spaces Required. Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking spaces shall be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first. For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of Section 14.14.050, Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. Any use requiring any

fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials or for the sale of merchandise. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.

Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

*(*Section previously amended by Ordinance No. 1332 (5-23-83), Ordinance No. 1447 (12-16-85), Ordinance No. 1462 (5-3-86), Ordinance No. 1548 (8-21-89), Ordinance No. 1638 (7-20-92), and Ordinance No. 1622 (10-7-91); section amended in its entirety by Ordinance No. 1780 (11-17-97); and amended in its entirety by Ordinance No. 2010 (1-6-2011).)*

- | | |
|--|---|
| 1. General Office | 1 space/600 sq. ft. |
| 2. Post Office | 1 space/250 sq. ft. |
| 3. General Retail
(e.g. shopping centers, apparel stores, discount stores, grocery stores, video arcade, etc.) | 1 space/300 sq. ft. |
| 4. Bulk Retail
(e.g. hardware, garden center, car sales, tire stores, wholesale market, furniture stores, etc.) | 1 space/600 sq. ft. |
| 5. Building Materials and Lumber Store | 1 space/1,000 sq. ft. |
| 6. Nursery—Wholesale building | 1 space/2,000 sq. ft. land +
1 space/1,000 sq. ft. |
| 7. Eating and Drinking Establishments | 1 space/150 sq. ft. |
| 8. Service Station | 1 space/pump |
| 9. Service Station with Convenience Store | 1 space/pump +
1 space/200 sq. ft. of store space |

10. Car Wash	1 space/washing module + 2 spaces
11. Bank	1 space/300 sq. ft.
12. Waterport/Marine Terminal	20 spaces/berth
13. General Aviation Airport	1 space/hangar + 1 space/300 sq. ft. of terminal
14. Truck Terminal	1 space/berth
15. Industrial	1.5 spaces/1,000 sq. ft.
16. Industrial Park	1.5 spaces/5,000 sq. ft.
17. Warehouse	1 space/2,000 sq. ft.
18. Mini-Warehouse	1 space/10 storage units
19. Single-Family Detached Residence (one space may be the driveway between garage and front property line)	2 spaces/dwelling
20. Duplex	1 space/dwelling
21. Apartment	1 space/unit for first four units + 1.5 spaces/unit for each Additional unit
22. Condominium (Residential)	1.5 spaces/unit
23. Elderly Housing Project	0.8 space/unit if over 16 Dwelling units
24. Congregate Care/Nursing	1 space/1,000 sq. ft. Home
25. Hotel/Motel	1 space/room + 1 space for the manager (if the hotel/motel contains other uses, the other uses Shall be calculated separately)
26. Park	2 spaces/acre

27. Athletic Field	20 spaces/acre
28. Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
29. Marina	1 space/5 slips or berths
30. Golf Course	4 spaces/hole
31. Theater	1 space/4 seats
32. Bowling Alley	4 spaces/alley
33. Elementary/Middle School	1.6 spaces/classroom
34. High School	4.5 spaces/classroom
35. Community College	10 spaces/classroom
36. Religious/Fraternal Organization	1space/4 seats in the main auditorium
37. Day Care Center	1space/4 persons of license occupancy
38. Hospital	1 space/bed
39. Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 square feet of Exposition/Meeting/ Assembly Room Conference Uses Not Elsewhere Specified

14.14.040 Parking Requirements for Uses Not Specified. The parking space requirements of buildings and uses not set forth above shall be determined by the Planning Director or designate. Such determination shall be based upon requirements for the most comparable building or use specified in Section 14.14.030 or a separate parking demand analysis prepared by the applicant and subject to a Type I decision making procedure as provided in Section 14.43.001, Procedural Requirements.

14.14.050 Accessible Parking. Parking areas shall meet all applicable accessible parking requirements of the Oregon Structural Specialty Code to ensure adequate access for disabled persons.

14.14.060 Compact Spaces. For parking lots of four vehicles or more, 40% of the spaces may be compact spaces, as defined in Section 14.14.090(A). Each compact space must be marked with the word "Compacts" in letters that are at least six inches high.

14.14.070 Bicycle Parking. Bicycle parking facilities shall be provided as part of new multi-family residential developments of four units or more and new retail, office, and institutional developments.

A. The required minimum number of bicycle parking spaces is as follows:

<u>Parking Spaces Required</u>	<u>Bike Spaces Required</u>
1 to 4	0
5 to 25	1
26 to 50	2
51 to 100	3
Over 100	1/50

B. Bicycle parking for multiple uses (such as commercial shopping centers) may be clustered in one or several locations but must meet all other requirements for bicycle parking.

C. Each required bicycle parking space shall be at least two and a half by six feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.

D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (e.g., a "rack") upon which a bicycle can be locked.

E. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only.

14.14.080 Shared Parking. The off-street parking requirements of two or more uses, structures, or parcels may be satisfied by the same parking lot or loading spaces used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their parking needs do not overlap. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

14.14.090 Parking Lot Standards. Parking lots shall comply with the following:

- A. Size of Spaces. Standard parking spaces shall be nine (9) feet in width by 18 feet in length. Compact spaces may be 7.5 feet wide by 15 feet long. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking space(s) shall be not less than eight (8) feet wide and 22 feet long. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.
- B. Aisle Widths. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

Parking Angle

Aisle Width	0°	30°	45°	60°	90°
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One-Way Traffic 13 11 13 18 24

Two-Way Traffic 19 20 21 23 24

C. Surfacing.

1. All parking lots that are required to have more than five parking spaces shall be graded and surfaced with asphalt or concrete. Other material that will provide equivalent protection against potholes, erosion, and dust may be approved by the City Engineer if an equivalent level of stability is achieved.
2. Parking lots having less than five parking spaces are not required to have the type of surface material specified in subsection (1), above. However, such parking lot shall be graded and surfaced with crushed rock, gravel, or other suitable material as approved by the City Engineer. The perimeter of such parking lot shall be defined by brick, stones, railroad ties, or other such similar devices. Whenever such a parking lot abuts a paved street, the driveway leading from such street to the parking lot shall be paved with concrete from the street to the property line of the parking lot.
3. Parking spaces in areas surfaced in accordance with

subsection (1) shall be appropriately demarcated with painted lines or other markings.

D. Joint Use of Required Parking Spaces. One parking lot may contain required spaces for several different uses, but the required spaces assigned to one use may not be credited to any other use.

E. Satellite Parking.

1. If the number of off-street parking spaces required by this chapter cannot be provided on the same lot where the principal use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to as satellite parking spaces.

2. All such satellite parking spaces shall be located within 200 feet of the principal building or lot associated with such parking.

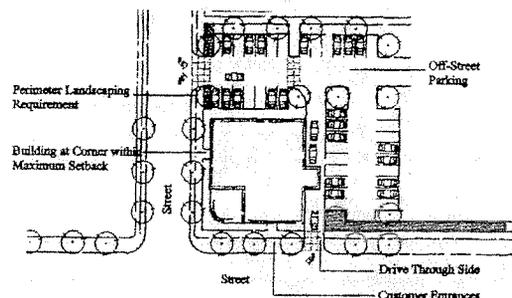
3. The applicant wishing to take advantage of the provisions of this section must present satisfactory written evidence that the permission of the owner or other person in charge of the satellite parking spaces to use such spaces has been obtained. The applicant must also sign an acknowledgement that the continuing validity of the use depends upon the continued ability to provide the requisite number of parking spaces.

4. Satellite parking spaces allowed in accordance with this subsection shall meet all the requirements contained in this section.

F. Lighting. Lighting from parking lots shall be so designed and located as to not glare onto neighboring residential properties. Such lighting shall be screened, shaded, or designed in such a way as to comply with the requirement contained in this section. This section is not intended to apply to public street lighting or to outdoor recreational uses such as ball fields, playing fields, and tennis courts.

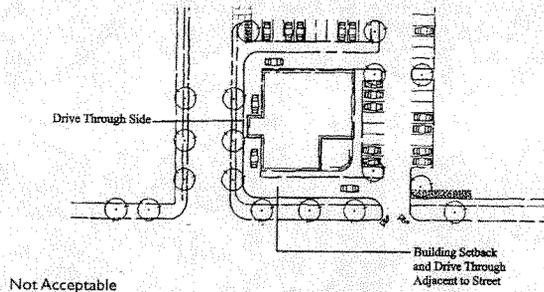
G. Drive-Up/Drive-In/Drive-Through Uses and Facilities. Drive-up or drive-through uses and facilities shall conform to the following standards,

Figure 1 – Drive-Up and Drive-Through Facilities



which are intended to calm traffic, and protect pedestrian comfort and safety (Figures 1 and 2).

1. The drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street; and
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner); and
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.



14.14.100 Special Area Parking Requirements. These special areas are defined as follows:

- A. **Nye Beach.** That area bounded by SW 2nd Street, NW 6th Street, NW and SW High Street, and the Pacific Ocean.
- B. **Bay Front.** That area bounded by Yaquina Bay and the following streets: SE Fogarty, SE 5th and SE 13th, SW Canyon Way, SW 10th, SW Alder, SW 12th, SW Fall, SW 13th, and SW Bay.
- C. **City Center.** That area bounded by SW Fall Street, SW 7th Street, SW Neff Street, SW Alder Street, SW 2nd Street, SW Nye Street, Olive Street, SE Benton Street, and SW 10th Street.

Uses within a special area are not required to provide the parking required in this section. However, in lieu of providing that parking, the use shall be required to pay into a parking fund in an amount established by resolution of the City Council. The City Council may amend the resolution from time to time. The fee charged shall be based on a reasonable estimate on the cost of providing one surface parking space plus a proportionate

share of other requirements such as driveways, aisles, and landscaping.

If a parking district authorized by the City Council is formed in all or part of the special area, the requirements for payment in lieu of providing parking may be waived upon adoption of a motion of the City Council.

14.14.110 Loading and Unloading Areas. Off-street loading and unloading areas shall be provided per this section.

- A. Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, a sufficient off-street loading and unloading area must be provided in accordance with this subsection to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. The loading and unloading area must accommodate the numbers as set forth in Table A. At a minimum, a loading and unloading space must be 35 feet in length, 10 feet in width, and 14 feet in height. The following table indicates the number of spaces that, presumptively, satisfy the standard set forth in this subsection.

Table A

Square Footage of Building	Number of Loading Spaces
0-19,999	0
20,000-79,999	1
80,000-119,999	2
120,000+	3

- C. Loading and unloading areas shall be located and designed so that vehicles intending to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle. No space for loading shall be so located that a vehicle using such loading space projects into any public right-of-way.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

- E. Whenever a change of use occurs after January 1, 1995, that does not involve any enlargement of a structure, and the loading area requirements of this section cannot be satisfied because there is insufficient area available on the lot that can practicably be used for loading and unloading, then the Planning Commission may waive the requirements of this section.
- F. Whenever a loading and unloading facility is located adjacent to a residential zone, the loading and unloading facility shall be screened per Section 14.18.001.

14.14.120 Access.

- A. Access to parking lots shall be from a public street or alley. Access to loading and unloading areas shall be from a public street, an alley, or a parking lot.
- B. Access to nonresidential parking lots or loading and unloading areas shall not be through areas that are zoned residential.
- C. All accesses shall be approved by the City Engineer or designate.
- D. Driveway accesses onto Arterial streets shall be spaced a distance of 500 feet where practical, as measured from the center of driveway to center of driveway.
- E. Each parcel or lot shall be limited to one driveway onto an Arterial street unless the spacing standard in (D) can be satisfied.
- F. Access Consolidation. Accesses shall be consolidated unless demonstrated to be unfeasible as determined by the City Engineer.

14.14.130 Variances. Variances to this section may be approved in accordance with provisions of Section 14.33.001, Adjustments and Variances, and a Type III Land Use Action decision process consistent with Section 14.43.001, Procedural Requirements.*

14.23.001 RESIDENTIAL USES IN NONRESIDENTIAL ZONING DISTRICTS*

14.15.010 **Purpose.** It is the intent of this section to regulate the placement of residences in nonresidential zoning districts.

14.15.020 **Residential Uses in Nonresidential Zoning Districts.** Residences shall be allowed either outright or conditionally in nonresidential zones as follows:

- A. **C-1 zones:** Residences are prohibited at street grade. For floors other than street grade, residences are allowed subject to the issuance of a conditional use permit in accordance with the provisions of Section 14.33.001, Conditional Uses, and Section 14.43.001, Procedural Requirements.**
- B. **C-2 zones:** It is the intent of this section to allow a mix of uses in the C-2 zoning district. However, in some areas the commercial use shall be the dominant use on the identified street level while residences or offices may be allowed on other levels. Therefore, C-2 zoned properties that have frontage on N.W. and S.W. Coast St., W. Olive Street, N.W. and S.W. Cliff St., N.W. Beach Drive and N.W. Third St., residences are prohibited at street grade. For floors other than street grade, residences are allowed subject to the issuance of a conditional use permit in accordance with the provisions of Section 14.33.001, Conditional Uses, and Section 14.43.001, Procedural Requirements.*** For commercial buildings in other areas within a C-2 zone, residences are prohibited at street grade. In all other instances, single-family residences are allowed outright. More than one residence per lot is allowed upon the issuance of a conditional use permit in accordance with the provisions of Section 14.33.001, Conditional Uses, and Section 14.43.001, Procedural Requirements.**** Where the Historic Nye Beach Design Review District specifies different requirements for residential uses in the C-2 zone by allowing a single-family residential use to be permitted outright if not located on the street grade floor for properties with identified frontage along N.W. and S.W. Coast Street, W. Olive Street, N.W. and S.W. Cliff St., N.W. Beach Drive and N.W. Third Street, by allowing a residence to be located on any floor of a bed and breakfast use, by allowing an existing single-family residence as of the date of adoption of Ordinance No. 1865 with frontage on the above named streets and located on the street grade

floor as a use permitted outright for the existing footprint of the use, and by allowing up to 5 multiple family dwelling units as a use permitted outright if located on a floor other than street grade for all C-2 zoned property within the District, the specified requirements shall supercede the requirements of this subsection.*****

- C. **C-3 zones:** Same as the C-1 zone.
- D. **For all I zones:** One residence for a caretaker or watchman as an accessory use is allowed as a permitted use.
- E. **W-2 zones:** Same as the C-1 zone.
- F. **For all other nonresidential zones:** Residences are prohibited.

(* Entire section amended by Ordinance No. 1628 (2-18-92).

**Amended by Ordinance No. 1989 (1-1-10).

***Amended by Ordinance No. 1989 (1-1-10).

****Amended by Ordinance No. 1758 (1-21-97); Amended by Ordinance No. 1989 (1-1-10).

*****Amended by Ordinance No. 1865 (12-1-03).)

14.16.001 ACCESSORY USES AND STRUCTURES*

14.16.010 Purpose. The provisions of this section are intended to establish the relationship between primary and accessory structures or uses and to specify development criteria for accessory structures or uses.

14.20.020 General Provisions.

- A. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use of a property. Typical accessory structures include detached garages, sheds, workshops, greenhouses, gazebos and similar structures not intended for habitation by people. The Community Development Director, or the Director's designee, shall determine if a proposed accessory use is customarily associated with, and subordinate to, a primary use and may at his/her discretion elect to defer the determination to the Planning Commission. A determination by the Planning Commission shall be processed as a code interpretation pursuant to Section 14.43.001, Procedural Requirements.
- B. An accessory use or structure shall be subject to, and comply with, the same requirements that apply to the primary use except as provided in this section.

14.16.030 Accessory Use or Structure on a Separate Lot or Parcel. An accessory use or structure may be located on a lot or parcel that is separate from the primary use provided:

- A. The lot or parcel upon which the accessory use or structure is to be located is contiguous to the property containing the primary use; and
- B. The subject lots or parcels are under common ownership and within the same zone district; and
- C. A deed restriction, in a form approved by the City, is recorded stating that the property on which the accessory use or structure is to be located cannot be sold or otherwise transferred separate from the lot or parcel containing the primary use. This restriction shall remain in effect until a primary use is situated on the same lot or parcel as the accessory building or the accessory building is removed.

14.20.040 Development Standards.

- A. The maximum floor area of the accessory structure in a

residential zoning district shall not exceed 1,500 square feet or 65% of the total floor area of the primary structure, whichever is less.

- B. The maximum height of an accessory building in a residential zoning district shall not exceed that of the primary structure.
- C. Accessory buildings shall not extend beyond the required front yard setback lines of adjacent lots or parcels.
- D. Regardless of the setback requirements, a rear yard in a residential zone district may be reduced to five (5) feet for a one-story detached accessory building provided the structure does not exceed 625 square feet in size and 15 feet in height.

*(*Section replaced in its entirety by Ordinance No. 2011 (2-18-11))*

14.21.001 CLEAR VISION AREAS

14.21.010 Purpose. The purpose of this section is to promote safety at intersections and drive access points by reducing obstructions to clear vision at intersections.

14.17.020 Clear Vision Area Defined. A vision clearance area includes the following:

- A. At the intersection of two streets, a triangle formed by the intersection of the curb lines, with each leg of the vision clearance triangle being a minimum of 35 feet in length. Where curbs are absent the edge of the asphalt or future curb location shall be used as a guide. The City Engineer may modify this requirement, in writing, upon finding that more or less distance is required (i.e., due to traffic speeds, roadway alignment, etc.).
- B. A portion of a lot subject to a front yard setback as defined in Section 14.11.001. A clear vision area does not include that portion of a second front yard outside of the area described in 14.17.020(A).

14.21.030 Clear Vision Area Requirements. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees located within a clear vision area shall have their branches and foliage removed to the height of eight feet above the grade.

14.17.040 Maintenance of Clear Vision Areas. It shall be the duty of the person who owns, possesses, or controls real property or right-of-way adjacent thereto, to maintain a clear vision area in the manner provided in this section.

14.17.050 Exemptions for Buildings. A building erected in compliance with zoning ordinance setbacks is exempt from this section.

14.17.060 Liability. The person owning, in possession of, occupying or having control of any property within the city shall be liable to any person who is injured or otherwise suffers damage by reason of the failure to remove or trim obstructions and vegetation as required by this section. Furthermore, the person shall be liable to the city for any judgment or expense incurred or paid by the city, by reason

of the person's failure to satisfy the obligations imposed by this section.

14.17.070 **Variances**. The requirements of this section shall be subject to the processes and criteria contained in Section 14.33.001.

(14.21.001 - 14.17.070 is a part of Ordinance No. 2031, adopted on March 5, 2012, and effective at such time as a tree plan is developed by the Parks and Recreation Committee and approved by the Newport City Council.)

14.18.001 SCREENING AND BUFFERING BETWEEN RESIDENTIAL AND NON-RESIDENTIAL ZONES

14.18.010 Height Buffer. Non-residential sites of districts abutting or having any portion located adjacent to any residential zone shall have a height limitation beginning at a height of ten feet at the property line abutting the residential zone and increasing at a slope of 1:2 for R-1 property, 1:1 for R-2 property, 2:1 for R-3 property, and 3:1 for R-4 property until intersecting the height limit otherwise established in that district.

14.18.020 Adjacent Yard Buffer. On any portion of a site in a non-residential zone that abuts a residential zone, a minimum interior yard of 10 feet planted and maintained as a landscaped screen shall be required.

14.18.030 Separated Yard Buffer. On any portion of a non-residential site that is opposite from a residential district and separated therefrom by a street, alley, creek, drainage facility, or other open area, a minimum yard of ten feet shall be required. The minimum yard shall be planted and maintained as a landscape screen (excluding areas required for access to the site).

14.23.001 LANDSCAPING REQUIREMENT*

14.19.010 Purpose. The purpose of this section is to provide for the installation, long-term maintenance and protection of trees, vegetation and other landscape elements within the City of Newport recognizing however, that development often times requires the removal of trees and other plant material. When removal is done, the purpose of this section is to require replacement that is attractive, well placed and enhances the overall appearance of the property and the City as a whole. It is further the purpose of this section to:

- A. Aid in air purification and storm water runoff retardation;
- B. Aid in the reduction of noise and glare;
- C. Provide visual buffers;
- D. Enhance the beauty of the city;
- E. Improve property values;
- F. Reduce erosion; and
- G. To protect and enhance the natural beauty, environment and greenspace within the City of Newport to advance economic development, attract residents and promote tourism.

14.19.020 Definitions. For purposes of this section, the following definitions shall apply. Where no definition is given, the common usage of the word shall be used. If there is a conflict between the definitions contained in this section and the more general definitions contained in the definitions section of this Ordinance, this section shall apply.

- A. Addition. An increase in the gross floor area.
- B. Bay Front. The area of the city defined in the Bay Front Plan section of the City's Comprehensive Plan.
- C. Buffer. The use of landscaping, or the use of landscaping along with berms or fences, that obscure the sight from an abutting property and uses, that at least partially and periodically obstructs view and noise. For purposes of this Section, the buffer does not count toward the required landscaping.

(* Entire section amended by Ordinance No. 1827 (9-7-00).)

- D. City Center. The area of the city defined in Section 14.14.050(3) of this Code.
- E. Development. That which is done on a tax lot or parcel of property under one ownership pursuant to any permit issued by the City of Newport Department of Planning and Community Development.
- F. Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- G. Hanging Basket. A basket of flowers or other plant material that is over a public right-of-way or private property and attached to a building, pole, wall, tree or other attachment. In no case shall a hanging basket be less than eight feet above a sidewalk or other pedestrian way or within two feet of a street or driveway.
- H. Landscaped Area. That area within the boundaries of a given lot or other area authorized for landscaping purposes which is devoted to and consists of landscaping.
- I. Landscaping. Material placed in a landscaped area including but not limited to grass, trees, shrubs, flowers, vines and other groundcover, native plant materials, planters, brick, stone, natural forms, water forms, aggregate and other landscape features, provided, however that the use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of organic plant material. Landscaping does not include sidewalks, fences, walls, benches or other manufactured materials unless same is incidental to the total area of the landscaped area.
- J. Landscaping Plan. A drawing to scale showing the location, types and density of landscaping.
- K. Maintain or Maintenance. Any activity such as pruning, mulching, mowing, fertilizing, removal and replacement of dead vegetation and other similar acts that promote the life, growth, health or beauty of the landscape vegetation.
- L. Nye Beach. The area of the City defined in the Historic Nye Beach Overlay District section of this Ordinance.

- M. Planter. A decorative container for flowers, bushes, trees and other plant materials including but not limited to window boxes, planter boxes, flower pots and other containers.
- N. Sight obscuring. Landscaping, berms, fences, walls or a combination of all those elements that completely blocks the ability to see through it.
- O. Window or Planter Box. A decorative box, pot, or other container that contains flowers and other plant material that is placed immediately below a window, along a walkway or other location. In no case shall a window or planter box extend more than two feet or 20% of the distance from the building to the street curb into the public right-of-way, whichever is less.

14.19.030 Applicability. The provisions of this ordinance shall apply to all new development, additions to existing development or remodels, other than single family and two-family dwelling units.

14.19.040 General Requirements. The objective of this section is to encourage the planting and retention of existing trees and other vegetation to improve the appearance of off-street parking areas, yard areas and other vehicular use areas; to protect and preserve the appearance, character, and value of surrounding properties, and thereby promote the general welfare, safety and aesthetic quality of the City of Newport; to establish buffer strips between properties of different land uses in order to reduce the effects of sight and sound and other incompatibilities between abutting land uses; to insure that noise, glare and other distractions within one area does not adversely affect activity within the other area. Prior to the issuance of a building permit, landscaping plans showing compliance with this section are required.

- A. No landscape plan submitted pursuant to this section shall be approved unless it conforms to the requirements of this ordinance.
- B. Landscape plans shall be submitted for all development other than one and two-family residential. Said plans shall include dimensions and distances and clearly delineate the existing and proposed building, parking space, vehicular access and the location, size and description of all landscape areas and materials.
- C. Landscaping shall not obstruct the view at the intersection of two or more streets or alleys; or at the

intersection of a street and a driveway.

- D. A guarantee of performance bond or escrow agreement shall be required in an amount to be determined by the Planning Director and approved by the City Attorney as to form to insure satisfactory completion of the landscaping plan as approved if the required landscaping is not installed prior to certificate of occupancy as required by the Building Code.

14.19.050 Landscaping Required for New Development, Exceptions. All new development, except for one and two family residences, shall be required to install landscaping per this section. For purposes of this section, new development shall mean construction upon a vacant lot or a lot that becomes vacant by virtue of the demolition of an existing building. Landscaping shall be provided as follows:

- A. Area. Landscaping shall be ten percent of the total square footage of a lot or parcel.
- B. Location. Landscaping shall be located along a street frontage or frontages.
- C. Exceptions. The right-of-way between a curb and a property line, not counting any sidewalk, driveway or other hard surfaces, may be used and counted toward the required landscaping as long as it has been determined by the Planning Director that the right-of-way is not needed for future street expansion. A developer may also plant a street tree within the sidewalk and it shall count toward meeting landscaping requirements subject to approval by the Planning Director and the City Engineer. A window or planter box may also be used to meet landscaping requirements at a ratio of 1 to 1. If the developer chooses to exercise this option, he or she shall enter into an agreement that the landscaping in the right-of-way is to be maintained as landscaping.
- D. Landscaping for Parking Lots. The purpose of this subsection is to break up large expanses of parking lots with landscaping. Therefore, all parking areas not abutting a landscaping area with 20 or more parking stalls shall comply with the following provisions:
 - 1. Five percent of the parking area shall be dedicated to a landscaped area and areas.
 - 2. In no cases shall a landscaped area required under this subsection be larger than 300 square feet. If more

landscaping is required than the 300 square feet it shall be provided in separate landscaping areas.

The provisions of this subsection do not apply to areas for the storage and/or display of vehicles.

14.19.060 Landscaping Requirements for Additions and Remodels. For purposes of this section, addition means any development that increases the floor area of a building. Remodel is any work requiring a building permit. For additions and remodels, landscaping shall be provided as follows:

A. Area. If the subject development after completion complies with the requirements for new development, no additional landscaping is required. If the subject development does not comply with the requirement for new development, landscaping shall be installed so as follows:

1. For projects with a value of \$50,000 or less, no additional landscaping is required.
2. For projects with a value of \$50,001 to \$100,000, the amount of landscaping shall be no less than 25% of that required for new development.
3. For projects with a value of \$100,001 to \$175,000, the amount of landscaping shall be no less than 50% of that required for new development.
4. For projects with a value of \$175,001 to \$300,000, the amount of landscaping shall be no less than 75% of that required for new development.
5. For projects with a value greater than \$300,000, the amount of landscaping shall be 100% of that required for new development.

Values shall be based on year 2000 dollars and adjusted on July 1 of each year for inflation. The adjustment shall be based on the latest available Portland, Oregon Consumer Price Index.

For purposes of this section, the value shall be based on the amount placed on the application for a building permit. If the Building Official determines that the value is below the actual value as calculated by the formulas developed by the State of Oregon Building Codes Division, the value on the permit shall be as determined by the Building Official. If there is a

dispute as to the value, the matter shall be referred to the Planning Commission for resolution. The procedure used shall be the same as for a Type I variance contained in Section 14.33.001 of this Ordinance.

In the case where a second addition or remodel is commenced within one year of the first addition or remodel, the two projects shall be counted as one with regard to determining the above landscaping requirements.

B. Location. Landscaping shall be located along a street frontage or frontages.

C. Exceptions. The right-of-way between a sidewalk and a property line may be used and counted toward the required landscaping as long as it has been determined by the Planning Director that the right-of-way is not needed for future street expansion. If the developer chooses to exercise this option, he or she shall enter into an agreement that the landscaping in the right-of-way is to be maintained as landscaping. In addition, window boxes may be substituted for surface landscaping. The calculation shall be one square foot of window box accounts for three square feet of surface landscaping as required in Subsection A of this Section. A developer may also plant a street tree within the sidewalk and it shall count toward meeting landscaping requirements subject to approval by the Planning Director and the City Engineer.

14.19.070 Nye Beach.* Development in the Historic Nye Beach Design Review District shall follow the same landscaping requirements as Subsection 14.19.080 (City Center and Bay Front) of Section

14.23.001 if landscaping requirements are not specified elsewhere. If landscaping is required under a permit issued under the design review design guidelines or design standards, then the permit requirements shall be the applicable landscaping requirements. If the permit requirements specify landscaping requirements that are to be implemented in conjunction with, or in addition to, the landscape requirements of this section, then the landscaping requirements of the permit shall be implemented in conjunction with, or in addition to, the requirements of landscaping specified in Subsection 14.19.080 (City Center and Bay Front) of Section 14.23.001.

** Amended by Ordinance No. 1865 (12-1-03).*

14.19.080 City Center and Bay Front. Because the City

Center and Bay Front areas were platted and built on very small lots and many of the existing buildings are located on or near the property lines, a strict area landscaping requirement is difficult to obtain and places an undue burden on the property owner. Those areas shall therefore be subject to this section rather than sections 14.34.040 and 14.34.050 of this ordinance.

- A. New Development. The requirement for new development, defined as building on a vacant lot, shall be 10% of the lot area. In lieu of the 10%, hanging baskets or window/planter boxes may be substituted for surface landscaping, or any combination thereof. The calculation for square footage may be up to one square foot of hanging basket, planter box or window box for every three feet of otherwise required landscaping.
- B. Additions. Landscaping shall be required at a rate of 10% of the area of the addition. In lieu of the 10%, hanging baskets or window/planter boxes may be substituted for surface landscaping, or any combination thereof. The calculation for square footage may be up to one square foot of hanging basket, planter box or window box for every three feet of otherwise required landscaping.
- C. Remodels. Landscaping shall be required per section 14.34.050 except that in lieu of providing surface landscaping, window/planter boxes or hanging baskets may be substituted at a rate of one square foot of window/planter box or hanging basket for every ten square feet otherwise required.

14.19.090 Maintenance of Required Landscaping. Landscaping required by this section, whether existing prior to January 1, 1999 or not, shall be reasonably maintained based on the time of year and kept free of weeds and garbage. Failure to maintain required landscaping may be found to be a violation and subject to penalties contained in Section 14.45.001 of this Code.

14.19.100 Variances. Variances to the requirements of this section shall be subject to the processes and criteria contained in Section 14.33.001, Adjustments and Variances, and Section 14.43.001, Procedural Requirements.* As a condition of approval, the Planning Commission may require a bond to assure satisfactory completion of the required landscaping. The Planning Commission may also approve, in lieu of providing a strict landscaping area, window or planter boxes in numbers and size to comply with the intent of this section or a reduction of up to 25% of the required

landscaping when the Commission finds that the architectural character of the building is of such quality to justify the reduction. The Commission may also waive up to 25% of the area requirement if the developer puts in an automatic sprinkling system to water the landscaping. The required parking may be reduced up to 10% of the number ordinarily required by this Code if the parking spaces lost is put into landscaping. The site plan prepared by a registered surveyor as required by Sections 14.33.050 and 14.33.060 is not required for a variance under this Section. If there is a neighborhood design review process, that process supercedes the requirements in this section and, if the design review committee finds that the landscaping is consistent with their review, supercedes the need for a variance otherwise required by this Section.

*(*Amended by Ordinance No. 1989 (1-1-10).)*